

Appl. No.10/779,745
Amendment dated August 12, 2005
Reply to Office action of June 9, 2005

REMARKS

Claims 1 through 5 are pending in this application. Claim 4 is amended herein. Support for the amendment to claim 4 may be found in claim 4 as originally filed. Reconsideration is requested based on the foregoing amendment and the following remarks.

Information Disclosure Statement:

The forms PTO-1449 and PTO-892 submitted with the present application were apparently not processed because of the sticker at the top of each document. The sticker at the top of the forms PTO-1449 and PTO-892 identified them as belonging to U.S. Patent Application Serial No. 09/913,349, on which the present application relies for an effective filing date under 35 U.S.C. § 120. The Applicants submitted copies of the earlier submitted forms PTO-1449 and PTO-892, rather than a single page showing all the references, because 37 C.F.R. § 1.98(d) provides:

A copy of any patent, publication, pending U.S. application or other information, as specified in paragraph (a) of this section, listed in an information disclosure statement is required to be provided, even if the patent, publication, pending U.S. application or other information was previously submitted to, or cited by, the Office in an earlier application, unless:

(1) The earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. 120; and

(2) The information disclosure statement submitted in the earlier application complies with paragraphs (a) through (c) of this section.

Since the copies of forms PTO-1449 and PTO-892 submitted with the present application meet the requirements of 37 C.F.R. § 1.98(d), consideration of the references listed thereon is earnestly solicited.

Claim Objections:

Claim 4 was objected to for an extraneous "20". Claim 4 has been amended to remove the "20." Withdrawal of the objection is earnestly solicited.

Claim Rejections - 35 U.S.C. § 112:

Claim 3 was rejected under 35 U.S.C. § 112, first paragraph, as containing subject

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matter which is not described in the specification in such a way as to convey to one skilled in the relevant art that the inventors, at the time the application was filed had possession of the claimed invention. The rejection is traversed.

The Office action asserts that the drawings fail to show the exterior member connected to one of the anode terminal or the cathode terminal. To the contrary, Fig. 9 shows cathode terminal 23c in contact with upper case member 51 through weld portion 28, as described in the specification at page 16, lines 28 and 29. Similarly, Fig. 28 shows cathode terminal 32a electrically connected to protruding portion 85 of lower case member 82, as described in the specification at page 30, lines 11, 12, and 13.

The anode terminal is behind the cathode terminal in these views, as described at page 13, lines 11, 12, and 13, but those skilled in the art would be able to connect it in a manner similar to the cathode terminal. Withdrawal of the rejection is earnestly solicited.

Claim Rejections - 35 U.S.C. § 102:

Claims 1 and 4 were rejected under 35 U.S.C. § 102(e) as anticipated by Akahira, US 2004/016165. The rejection is traversed.

Claim 1 recites,

"an exterior member having a recess for receiving said seal portion."

Akahira neither teaches, discloses, nor suggests an exterior member having a recess for receiving a *seal* portion, as recited in claim 1. Akahira, in fact, only mentions a seal peripherally, in passing, at paragraphs 36 and 47, and then with regard to packaging material 2. Packaging material 2, in turn, has the recess upon which the Office action relies, so a *seal* in packaging material 2 would have to be received in a *recess* of packaging material 2 in order for Akahira to meet the requirements of claim 1. This is clearly not the case, as may be seen in Fig. 1.

Furthermore, reference numeral 12 applies to positive terminal 12, as described at paragraph 43, not a wrapping member, contrary to the assertion in the Office action. And even if positive terminal 12 were overlapped, no seal would have been formed thereby, let alone a recess for receiving the seal in an exterior member as recited in claim 1. In particular, it is not clear what purpose a seal at an overlap in positive terminal 12 would serve. Claim 1 is

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submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claim 4 depends from claim 1 and add further distinguishing elements. Claim 4 is thus also submitted to be allowable. Withdrawal of the rejection of claim 4 is also earnestly solicited.

Claim Rejections - 35 U.S.C. § 103:

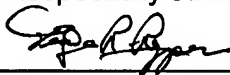
Claims 2, 3, and 5 were rejected under 35 U.S.C. § 103 as being unpatentable over Akahira in view of Shiota, US 6,703,162. The rejection is traversed. Reconsideration is earnestly solicited.

Claims 2, 3, and 5 depend from claim 1 and add further distinguishing elements. Akahira neither teaches, discloses, nor suggests an exterior member having a recess for receiving a seal portion, as discussed above with respect to claim 1. Shiota does not either, and thus cannot make up for the deficiencies of Akahira with respect to claim 1. Claims 2, 3, and 5 are submitted to be allowable as well. Withdrawal of the rejection of claims 2, 3, and 5 is earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all claims 1 through 5 are allowable over the cited references. Since the objection to claim 4 was addressed as well as the rejection of claim 3 based on 35 U.S.C. § 112, first paragraph, it is submitted that all of claims 1 through 5 are now allowable. Allowance of all claims 1 through 5 and of this entire application are therefore respectfully requested.

Respectfully submitted,

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